IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.481 OF 2004

Ramchandra Nanasaheb Pawar ...Petitioner
vs.
Shobha Ramchandra Pawar & Ors. ...Respondents

Mr.Milind Deshmukh for the Petitioner
Ms M.H.Mhatre,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 26,2005

P.C.:

1. Heard Advocate for the Petitioner and learned Advocate for the Respondents. The Petition is by the husband. On an application made by the Respondent Nos.1 to 3 the learned Judicial Magistrate First Class, Saswad awarded monthly allowance by way of maintenance to the Respondent Nos.1 to 3 at the rate of Rs.700/- p.m. each from the date of filing of the Application. In a Revision Application preferred by the Respondent Nos.1 to 3, by order dated 30th July 2003 the learned 10th Additional Sessions Judge, Pune directed the Petitioner to pay enhanced maintenance at the rate of Rs.1200/- p.m. each to the Respondent Nos.2 and 3 from the date of the Application.

2. The learned Counsel for the Petitioner submitted that the Petitioner has retired and he is not getting salary. He submitted that the Petitioner has undergone heart surgery and for that he needed a sum of Rs.3,50,000/- by way of

expenditure. He submitted that it is impossible for the petitioner to pay monthly maintenance at the rate of Rs.1200/- to the Respondent Nos.2 and 3. The learned Counsel for the Respondents opposed the Petition by pointing out the relevant material on record.

3. Not only considering the income by way of salary but also the large income from agricultural land, the Sessions Court has fixed the monthly allowance. In my view, no interference is called for with the impugned Judgment and Order. It is not in dispute that the date of birth of the Respondent Nos.2 and 3 is 12th December 1983. It is therefore obvious that the liability of the Petitioner to pay maintenance under Section 125 of the Code of Criminal Procedure, 1973 will come to an end on 12th December 2001.

4. Hence, the Petition is dismissed. However, it is made clear that the Petitioner will be liable to pay monthly allowance to the Respondent Nos.2 to 3 at the rate fixed by the Sessions Court till the date of attaining the majority. It is obvious that if the Petitioner has deposited any amount in compliance with the order of the learned Magistrate, the Petitioner will be entitled to necessary adjustment.

JUDGE